

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TONEY A. WHITE,

4 Plaintiff

5 v.

6 RONALD OLIVER, et al.

7 Defendants

Case No.: 2:23-cv-01121-APG-DJA

**Order Directing White to
File a Second Amended Complaint**

8 Pro se plaintiffs Charles McNees, David Bresselsmith, and Toney A. White jointly
9 initiated this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that
10 they claim they suffered while incarcerated. ECF No. 1-1. However, after McNees and
11 Bresselsmith failed to file fully complete applications to proceed *in forma pauperis*, I dismissed
12 them without prejudice from this case. I will permit White to continue this action alone because
13 he filed a fully complete application to proceed *in forma pauperis*.¹ See ECF No. 7. However,
14 to proceed with this case, White needs to submit a second amended complaint that contains
15 allegations about events that only happened to him. The second amended complaint will not
16 mention McNees or Bresselsmith.² Additionally, White does not need to include any exhibits
17 with his second amended complaint at this stage of the litigation. See General Order 2021-05
18 (Oct. 31, 2021).

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21 ¹ Because White is the only plaintiff who is allowed to proceed in this case, White will be solely
responsible for the filing fee in this action. See 28 U.S.C. § 1915.

22 ² White is cautioned that he must comply with the District of Nevada's Local Rule IA 10-1(a)(1),
23 (3) and will write no more than 28 lines per page, will double-space his lines, and will write in
text size 12 or larger. I recognize that White is handwriting his documents, but he must write
larger than he currently writes and include no more than 28 lines per page.

1 I therefore order that White file a second amended complaint on or before December 8,
2 2023, with allegations that only apply to himself. If White fails to timely comply with this order,
3 I will dismiss this action without prejudice.

4 I defer decisions on White's application to proceed *in forma pauperis* (ECF No. 7), the
5 motion for temporary restraining order (ECF No. 10), and the motion for preliminary injunction
6 (ECF No. 11) until after White submits a second amended complaint.

7 The Clerk of the Court will send to White the approved form for filing a § 1983
8 complaint, instructions for the same, a copy of the amended complaint (ECF No. 3), and a copy
9 of the District of Nevada's General Order 2021-05. If White chooses to file a second amended
10 complaint, he should use the approved form and mark "Second Amended Complaint" in the
11 caption.

12 DATED: November 7, 2023.



14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE
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